

Remarks

Applicant submits this Amendment and Response in response to the May 21, 2007 Office Action and following an in-person and a telephone interview with Examiner Lastra and Supervisory Examiner Myhre. An Appeal Brief was filed on March 4, 2008 and a Request for Continued Examination is being filed concurrently with this response.

Applicants have amended claims 1, 3, 10-11, 15-16, 21-23, 28 and 31-36. Claims 12 and 17 have been cancelled without prejudice. Claims 1-11, 13-16 and 18-36 are currently pending. No new matter has been added. Applicants believe that the foregoing comments overcome the rejections set forth in the May 21, 2007 Office Action.

Applicants wish to thank Examiner Lastra and Supervisory Examiner Myhre for the courtesy extended in granting and conducting an in-person and telephonic interview with their representatives. The above listed claim amendments reflect the comments and input received from Examiner Lastra and Supervisory Examiner Myhre during the interviews

I. THE EXAMINER'S REJECTIONS

The Examiner rejected Claims 1, 2, 7-10, 12-15, 17-25, 27 and 31-36 under 35 U.S.C. § 103(a) as being unpatentable over Walker *et al.*, U.S. Patent Application Pub. No. 2003/0054888 (hereinafter "Walker") in view of Roll *et al.*, U.S. Patent Application Pub. No. 2002/0016779 (hereinafter "Roll"). The Examiner argued that "it would have been obvious at to a person of ordinary skill in the art at the time the application was made, to know that Walker would use the Roll system.

Claims 3-5 and 29 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Roll, in further view of United States Patent No. 6,331,143.

to Yoseloff, *et al.*, (hereinafter referred to as "Yoseloff"). The Examiner stated that "Yoseloff teaches about a system where a player selects a number and the system generates a random number, and a winning outcome is indicated if the user-chosen number..."

The Examiner rejected claims 6, 11, 16, 26 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Roll, in further view of United States Patent No. 5,933,811, to Angles, *et al.*, (hereinafter referred to as "Angles"). The Examiner stated that "Angles teaches a system where users are compensated for viewing sponsors' advertisements. See, Office Action dated May 18, 2006, page 13, third paragraph. The Examiner argued that "it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that users of the Walker system would be compensated for the viewing of selected sponsor's advertisements independently of the purchase of the advertised product or service as taught by Angles"

Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker, in view of Roll, Angles and Yoseloff. The Examiner recognized that Walker "fails to teach wherein the user can increase the probability of winning the product or service by participating in an online survey for an advertising sponsor." See, Office Action dated May 18, 2006, page 14, third paragraph. The Examiner stated that it would have been obvious "to know that sponsors would compensate users for viewing the sponsors' advertisements or for participating in the sponsors' online surveys."

II. THE EXAMINER'S REJECTIONS SHOULD BE WITHDRAWN

In light of the current amendments, the Applicant respectfully requests reconsideration of the Examiner's rejections, and withdrawal of the same.

Referring initially to Claim 1, recited are, *inter alia*, elements of:

- electronically calculating a dynamic probability of winning the selected product by the user based on one or more factors selected from a group consisting of: the cost of the selected product in relation to the total cost of all products available, a current prize budget, a ratio of the current prize budget to a total amount of funds received and the user's behavior during a user session;
- electronically generating a trial outcome of an event trial, the probability of the event trial generating a winning trial outcome corresponding to the calculated probability of winning;
- generating an outcome indicator independent of, and differently distributed from, the trial outcome;
- displaying the outcome indicator to the user; and
- in response to a winning trial outcome, purchasing the selected product for the user from the independent third-party retail vendor at no cost to the user.

The Applicants respectfully assert that none of the cited prior art references, taken singly, or in any combination, teach, suggest, or obviate, a search engine providing an option to win the item sought where the system calculates a “dynamic probability” of winning “based on one or more factors selected from a group consisting of: the cost of the selected product in relation to the total cost of all products available, a current prize budget, a ratio of the current prize budget to a total amount of funds received and the user's behavior during a user session. Furthermore, none of the cited references teach suggest, or render obvious the Claim 1 element of generating a trial outcome and “an outcome indicator independent of, and differently distributed from, the trial outcome” before displaying the outcome indicator to the user. Finally, none of the prior art references teach that, after a user wins the product they were searching for, the system providing the product “at no cost to the user.”

Therefore, for at least the reasons stated above, Claim 1 is patentable over all of the cited prior art references. Independent Claims 10, 15, 21, 22, 33 and 35-36 include limitations analogous to at least one of the elements cited above for Claim 1. The Applicants, therefore, reiterate their arguments for Claim 1, and assert that Claims 10, 15, 21, 22, 33 and 35-36 are patentable over the prior art for at least the same reasons as Claim 1. Claims 2-9, 11, 13-14, 16 18-20, 22, 24-32 and 34 all depend from one of the independent claims, discussed above. By virtue of their dependencies, Claims 2-9, 11, 13-14, 16 18-20, 22, 24-32 and 34 include all of the limitations as the claims from which they depend, and are, therefore, patentable for at least the same reasons. Therefore, all claims are therefore in condition for allowance. Thus, the Examiner is respectfully requested to withdraw the rejections to the claims.

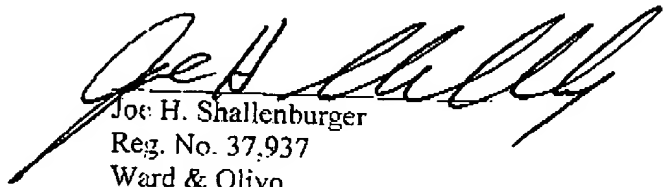
CONCLUSION

Applicants submit that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. The claims have been amended merely to clarify the novel features of the current invention and are in no way related to patentability. The Applicants respectfully request the Examiner's reconsideration and withdrawal of the various rejections stated in the May 21, 2007 Office Action. Early and favorable action is accordingly solicited.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same. This Amendment and RCE is believed to be timely filed. If a petition for extension of time and/or any other fees are required, the Patent and Trademark office is specifically authorized to charge such fee to Deposit Account No. 23-0420 in the name of Ward & Olivo.

Respectfully submitted,

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Joe H. Shallenburger
Reg. No. 37,937
Ward & Olivo
382 Springfield Avenue
Suite 300
Summit, New Jersey 07901
(908) 277-3333